[Historical and Medieval Georgia]

649 clear that an *eristavi* was the ruler and master of the land and
635 the inhabitants of his *saeristao*; to him were subject not only the peasants but also the *aznaurni* and even the churches—the latter, however, only in so far as their relationship with the civil government was concerned.

[292] The *eristavi* wore a particular dress which was exactly like that worn by Justinian, the Byzantine Emperor; by way of distinction he also wore "a ring and a belt"; besides "he had a banner, a horse (of particular breed) and a spear".

The *eristavt-eristavi* had authority over all *didebulni* and *aznaurni* domiciled in his *saeristavt-eristao*. Thus there was this difference between the *eristavt-eristavi* and the *eristavi*, that *didebulni*, "the great", were subject to the former and not to the latter; after the King, the *didebulni* obeyed the *eristavt-eristavi*.

In military matters, and especially during war, the *eristavt-eristavi* held supreme authority; every *didebuli* and *aznauri* and all the other inhabitants of his province had to follow his banner. *Mtavarni* and *eristavt-eristavni* wielded great power and influence; materially also they were very wealthy. Some of them were so powerful that they vied with the King and often openly opposed themselves to the royal power. At the royal receptions an *eristavt-eristavi* had this privilege, that his personal Grand Treasurer stood behind his seat with a shield and sword.

• [692] One of the functions of an *eristavt-eristavi* was the supervision of justice at the peasants' court of law; the actual dispensation of justice was entrusted to his *saeristavt-eristao mamasakhlisi*. Ecclesiastical peasants, however, were excluded from his jurisdiction.

[651] For the benefit of an *eristavi* a special tax called *saeristavoi*
[465] *gamosavali* ("the eristavi's due") was collected annually. In addition to these usual and permanent dues he also received a tribute which was collected periodically. For the supervision of the peasants' court of justice he received a fixed portion of the fines imposed by the courts, which was called *kerdzi saeristavoi* ("the eristavi's portion"). When these concerned thefts this eristavi's portion appears to have amounted to one-seventh.

An *eristavt-eristavi* had a great many subordinate officials, including *temis-eristavni* (eristavni of districts); his own *mdsignobart-ukhutsesi* ("grand secretary") and *molaret-ukhutsesi* ("grand treasurer") and numerous *msakhurni*. He also had

[Constitution as of July 1, 1947]

652 646 Art. 113. The Supreme Soviet of the Georgian SSR elects a Budget Commission which reports its conclusions on the state budget of the Georgian SSR to the Supreme Soviet.

Art. 114. Upon its approval by the Supreme Soviet of the Georgian SSR the state budget of the Georgian SSR is published for general information.

Art. 115. The report on the fulfillment of the state budget of the Georgian SSR is approved by the Supreme Soviet of the Georgian SSR and published for general information.

652 631 Art. 116. The budget of the Abkhasian and Adjar Autonomous Republics and the South Ossetian Autonomous Region and the local budgets of district, city, settlement and village Soviets of Working People's Deputies include the revenues from the local economy, deductions from state revenues collected within their territory and likewise receipts from local taxes and imposts in amounts fixed by the laws of the USSR and the Georgian SSR.

Chapter X. The Courts and the Procurator's Office

● 692 Art. 117. In the Georgian SSR justice is administered by the Supreme Court of the Georgian SSR, the Supreme Courts of the Abkhasian and Adjar Autonomous Republics, the Court of the South Ossetian Autonomous Region, the Special Courts of the USSR established by decision of the Supreme Soviet of the USSR, and the People's Courts.

[643] Art. 118. In all Courts cases are tried with the participation of people's assessors, except in cases specially provided for by law.

Art. 119. The Supreme Court of the Georgian SSR is the highest judicial organ of the Georgian SSR. The Supreme Court of the Georgian SSR is charged with the supervision of the judicial activities of all the judicial organs of the Georgian SSR, the Abkhasian and Adjar Autonomous Republics and the South Ossetian Autonomous Region.

[646] Art. 120. The Supreme Court of the Georgian SSR is elected by the Supreme Soviet of the Georgian SSR for a term of five years.

Art. 121. The Supreme Courts of the Autonomous Republics are elected by the Supreme Soviets of the Autonomous Republics for a term of five years.

Art. 122. The Court of the South Ossetian Autonomous Region is elected by the Soviet of Working People's Deputies of the South Ossetian Autonomous Region for a term of five years.

Art. 123. People's Courts are elected by the citizens of the district on the basis of universal, direct and equal suffrage by secret ballot for a term of three years.

695 563 Art. 124. Judicial proceedings in the Georgian SSR are conducted in the Georgian language, or in the languages of the Autonomous Republics or of the Autonomous Region, persons not knowing

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

The almost complete independence of the communities and their failure to join together in one political unit were the unfavorable conditions which hindered the development of permanent courts of justice.

Differences between the members of a community were regulated by arbitration. A plan of settlement was prepared by a socially chosen mediator, called *shuakatsi,* meaning "middle man," from the Georgian words *shua*—middle, and *katsi*—man. The *shuakatsi* had the full confidence of both parties. Among the Svans, the mediators were called *morvar.* They themselves determined the methods for disclosing the crime, following the custom of ancient times. In their judicial procedure, the mediators referred to witnesses, and in cases difficult to decide, they left the matter to God's judgment—the ordeal.

In all their disputes[8] the Khevsurs, Pshavs and Tushes choose judges, preferably old men, who appoint the place and time. Besides the judges, the accused and accuser come, and some villagers. The plaintiff kneels before the judges, takes off his hat, and pronounces the following words: "God help Georgia, the upright Judge and plaintiff, punish the partial judge, and the one who makes false accusations, thou answer for me. . . . " Then he relates his complaint. After this comes the defendant, who performs the same act as did the plaintiff. After hearing both sides of the parties, the judges discuss the facts given, make their decision and announce it to both parties. Such a decision is regarded as sacred and irrevocable and must be accepted by both parties.

The court of justice for the regulation of all delicts, among the Svans, is called *morvakh,* and judges specially appointed mediators, called *morvar.* Every sort of crime is settled by the mediators appointed by each party. The number of mediators depends upon the character of the crime itself, six or seven in case of murder, two or three in minor cases. The mediators reach a decision by a majority of votes. If the number of mediators is even, then they appoint one as a sort of leader, who has two votes, so that

[8] Eristov: 131-32.

if the mediators' votes should be tied, the extra vote will determine the decision of the case.[4] I was present at, and even chosen as a mediator in two cases during my visit to some of the villages of Megrelia." The mediators are called, in Svanetia, *morvar*. Before the beginning of the session the mediators are obliged to take an oath that they will act and make the decision as though the case were their own. One of the near relatives of the plaintiff addresses them, expressing his wish that they will be just and impartial in their decision. After this, the judges promise to conduct the case as though it were their own trial. Following this procedure, the judges invite both the accused and the accuser to take an oath that they will abide by the decision of the court.

It is interesting to note that the higher the social position of the man, in Svanetia, the fewer mediators he appointed for himself. For every two mediators appointed by one peasant, the family of the nobleman opposing him, called *aznauri*, appointed only one mediator.

Manslaughter, abduction of married women, adultery, and theft (cattle stealing, among the Tushes) involved blood-feud as a consequence. Offenses other than these were regarded as minor delicts, for which the penalty was the material restitution and the payment of a certain fixed fine. Besides blood-feud and the payment of the *wergild*, there were other punishments for crime among the Georgian Highlanders, such as exclusion from the social group, stoning, and social boycott. Stoning of a criminal was practiced by the Tushes, but not in a literal form; the persons threw stones when passing a certain place on the cross-roads, where there was a heap of stones, mentioning the name of the criminal. "During my travels not far from the village of Duisi,"[5] writes Professor Khakhanov,[6] "I noticed a large heap of stones carefully placed together. The meaning was explained to me. A Kist had had incestuous relations with his wife's sister; for this crime the village decided to punish him severely. It was decided that the culprit must pay an indemnity of one hundred and sixty rubles

[4] Kovalevsky: a, II, 22.
[5] In Tushetia.
[6] Khakhanov: a, 54.